

ORDINANCE NO. 4414

**AMENDMENTS TO AN ORDINANCE OF THE VENTURA
COUNTY BOARD OF SUPERVISORS, REPEALING AND
REENACTING ARTICLE 6, CHAPTER 2, DIVISION 1 OF THE
VENTURA COUNTY ORDINANCE CODE, SECTION 1261 ET
SEQ., REGARDING LOCAL CAMPAIGN FINANCE REFORM**

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1. Repeal of Existing Ventura County Campaign Finance Reform Ordinance

Section 2 of Ordinance No. 4395 of the County of Ventura, which reenacted section 1261 through 1298 and enacted sections 1299 and 1300 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code, is hereby repealed.

Section 2. Enactment of Ventura County Campaign Finance Reform Ordinance

Sections 1261 through 1300 of Article 6 of Chapter 2 of Division 1 of the Ventura County Ordinance Code are hereby amended and reenacted as follows:

Section 1261. Name of Ordinance

This ordinance shall be known and cited as the "Ventura County Campaign Finance Reform Ordinance."

Section 1262. Purpose of the Ordinance

The purpose of this ordinance is to promote public trust in governmental institutions and the electoral process, reduce the appearance of corruption, and to prevent individuals or organizations from using their financial strength to corrupt Ventura County government by creating political debts through contributions or coordinated expenditures that allow them to control or unduly influence elected officials. To further these purposes, this ordinance is written to help individual voters by reducing the potential influence and the appearance of influence resulting from large campaign contributions to candidates, committees supporting candidates, or independent expenditure committees that contribute to (or coordinate expenditures with or on behalf of) candidates and thus to promote the integrity of the process of electing Ventura County candidates and the integrity of Ventura County government. Finally, to further these purposes, this ordinance provides full and fair enforcement of all its provisions.

The above stated purposes are furthered by limiting contributions passed through intermediaries, "bundling," or, through contributions to multiple committees. Intermediaries who could potentially bundle multiple contributions into aggregate amounts exceeding the contribution limits of this ordinance would pose the appearance of influence resulting from large contributions, whereas the contribution limits of this ordinance could be functionally evaded by contributing to multiple committees which then contribute to a candidate.

Section 1263. Relationship to the Political Reform Act of 1974

This ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations, as well as any amendments to the Act or to the Regulations of the Fair Political Practices Commission. If any provision of this ordinance is in conflict with provisions of the Act or its Regulations, the terms of the Act and its Regulations control and preempt the terms of this ordinance to the extent necessary to bring this ordinance into full compliance therewith.

Section 1264. Definitions

(a) "County candidate" means any individual who is a candidate for Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor. The provisions of Government Code 82007 shall also apply to such individuals.

(b) "Elective county officer" means any individual who is a Supervisor, Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor.

(c) "County-wide office" means the office of Sheriff, District Attorney, County Clerk, Treasurer-Tax Collector, Auditor, County Superintendent of Schools, or Assessor.

(d) "Participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265.

(e) "Non-participating candidate" means a candidate who has not agreed to limit his or her expenditures pursuant to Section 1265.

(f) "Commission" refers to the Ventura County Campaign Finance Ethics Commission as created by Section 1297 of this ordinance.

(g) "Clerk" means the County Clerk or his or her designee.

(h) "Clerk of the Commission" means the County Executive Officer or his or her designee.

(i) "Independent Expenditure Committee" means any committee not controlled by the candidate that contributes to or expends funds for or against a candidate.

(j) "Non-benefiting participating candidate" means a candidate who has agreed to limit his or her expenditures pursuant to Section 1265 and who has been opposed by independent expenditures, or whose opponent has been supported by independent expenditures.

(k) "Sponsored Committee" means a committee, other than a controlled committee, which has one or more sponsors.

(l) "Sponsor" of a committee means any person, except a candidate, proponent, or other individual to whom any of the following applies:

- (1) The person who directly or whose members, officers, employees, or shareholders provide 80 percent or more of the committee's contributions;
- (2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers or employees;
- (3) The person provides, alone or in combination with other organizations, all or nearly all of the administrative services for the committee; or
- (4) The person sets, alone or in combination with other persons or organizations, the policies for soliciting contributions or making expenditures of committee funds.

Section 1265. Expenditure Limits

(a) No candidate for the office of Supervisor who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make campaign expenditures of more than one hundred fifty thousand dollars (\$150,000) per election.

(b) No candidate for countywide office who voluntarily accepts expenditure limits and no controlled committee of such a candidate shall make campaign expenditures of more than five hundred thousand dollars (\$500,000) per election.

(c) The Clerk shall adjust the expenditure limits in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. These adjustments shall be rounded off to the nearest one thousand dollars (\$1,000) for limitations on expenditures.

Section 1266. Acceptance of Expenditure Limits

Each county candidate shall file with the Clerk a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 1265 before accepting any contributions. If he or she agrees to the spending limits, the candidate shall not be subject to the contribution limitations in Section 1267, but shall be subject to the contribution limitations in Section 1268.

Section 1267. Contribution Limitations for Non-Participating Candidates

(a) Except as provided in Section 1268, no person shall make to any county candidate, or the controlled committee of such a candidate or elective county officer, and no such county candidate, or controlled committee of such candidate shall accept from a person any contribution totaling more than three hundred and fifty dollars (\$350) for each of the following elections for which the individual is a candidate: a primary election or a general (runoff) election.

(b) The provisions of this section do not apply to a candidate's contributions of personal and community property funds to the candidate's own campaign, but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1268. Contribution Limitations for Participating Candidates

(a) No person shall make to any participating candidate for elective county office or the controlled committee of such a candidate, and no such participating candidate for elective county office, or controlled committee of such a candidate shall accept from a person any contribution totaling more than seven hundred dollars (\$700) per election for each of the following elections for which the individual is a candidate: a primary election, or a general (runoff) election.

(b) The provisions of the section do not apply to a participating candidate's contributions of personal and community property funds to the candidate's own campaign but shall apply to contributions from the candidate's spouse or registered domestic partner of the spouse's or registered domestic partner's separate property.

Section 1269. Contributions to Candidates and Committees that Contribute to Candidates

(a) The combined total amount a person is allowed to contribute to a candidate's election committee and all other committees that contribute to or coordinate expenditures with or on behalf of that candidate shall be no more than seven hundred

dollars (\$700) over the election cycle. A willful or knowing violation of this subdivision shall violate the ordinance and section 1294 shall apply.

(b) No committee shall knowingly accept a contribution in excess of fifty dollars (\$50) that will cause this seven hundred dollars (\$700) limit to be exceeded by any individual contributor.

(c) If a committee discovers that it has accepted a contribution in excess of fifty dollars (\$50) that has caused a contributor's seven hundred dollar (\$700) limit to be exceeded, the committee shall return the contribution within 5 business days of the discovery.

(d) An aggregate contribution over the election cycle to a committee that is not controlled by the candidate which is under fifty dollars (\$50) shall be exempted from the seven hundred dollar (\$700) limit referred to in this section only.

Section 1270. Contributions to Independent Expenditure Committees

On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), any Independent Expenditure Committee that contributes to or expends funds for or against a County Candidate shall disclose each contribution made to it that individually or cumulatively totals fifty dollars (\$50) or more per contributor. This Section shall not apply to an Independent Expenditure Committee during any period of time that it qualifies as a "State General Purpose Committee" pursuant to Section 82027.5 of the Political Reform Act, as supplemented by Section 18247.5 of Title 2 of the California Code of Regulations, and successor laws. At the time of enactment of this ordinance, state law limits "State General Purpose Committees" to those committees that either (1) make contributions or expenditures to support or oppose candidates or measures voted on in state elections, or in more than one county, that total more than 50 percent of their total contributions and expenditures or (2) are political party committees.

Section 1271. Disclosure of Spending by Non-Participating Candidates

(a) If a non-participating candidate's total expenditures are twenty-five percent (25%) or more of the expenditure limits, the candidate shall notify and declare to the Clerk and opposing candidates within twenty-four (24) hours of the time such a total is reached.

(b) The Clerk or the Commission may make their own determination as to whether such expenditures have been made by non-participating candidates.

(c) Upon receiving a declaration or determining that a non-participating candidate has spent twenty-five percent (25%) or more of the expenditure limits, the

Clerk shall inform within twenty-four (24) hours the opposing participating candidate(s) that they are no longer bound by the voluntary expenditure limits.

(d) Nothing in this section shall affect or change the contribution limits set forth in Sections 1267 and 1268.

Section 1272. Election Cycles

(a) For purposes of the limits of this ordinance and reporting procedures, if there is a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1279 to the day before the primary election shall be considered primary election contributions. For the general (runoff) election, contributions made from the date of the primary election through 90 days after the general (runoff) election shall be considered general (runoff) election contributions.

(b) For purposes of the limits of this ordinance and reporting procedures if there is not a general (runoff) election, contributions or expenditures made at any time from the beginning date a candidate may commence receiving contributions pursuant to Section 1279 through 90 days after the date of the primary election shall be considered primary election contributions.

Section 1273. Loans

(a) The provisions of this ordinance regarding loans apply to extensions of credit, including accrued expenses, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) If a candidate makes a loan to his or her campaign or controlled committee, the outstanding loan balance may not exceed twenty thousand dollars (\$20,000) after the election. Any excess above twenty thousand dollars (\$20,000), which remains outstanding after the election, shall be deemed a non-recoverable contribution made on the date the loan was made. A candidate may not charge interest on any loan made by the candidate to the candidate's campaign.

(c) Extensions of credit, other than candidate loans and loans by commercial lending institutions to a candidate pursuant to subsection (a), for a period of more than 30 days are subject to the contribution limits of this ordinance.

(d) Every loan to a county candidate or elective county officer or his or her controlled committees shall be by written agreement. Each county candidate or elective county officer shall maintain in his or her committee's records a copy of the written loan agreement.

(e) This section shall apply only to loans and extensions of credit used or intended for use for campaign purposes or which are otherwise connected with the holding of public office.

Section 1274. Family Contributions

(a) Contributions made by a husband and wife or by registered domestic partners shall not be aggregated and shall be divided equally for donation tracking purposes.

(b) A contribution of fifty dollars (\$50) or more made by a child less than eighteen (18) years of age is presumed to be a contribution from the parent or guardian of the child. For donation tracking purposes, if the parents or guardians of the child are married or have joint legal custody of child, the contribution shall be divided equally between them; if one parent or guardian has primary or sole legal custody of the child then the contribution shall be attributed to that parent or guardian. The committee or candidate accepting a contribution from a child under the age of eighteen (18) shall obtain the information concerning parental attribution.

Section 1275. Independent Expenditures

(a) In addition to any other report required by the Political Reform Act, a committee that makes independent expenditures of one thousand dollars (\$1,000) or more during an election cycle for or against a candidate for elective county office shall file a report with the Clerk disclosing the making of each such independent expenditure. The report shall include the name and full street address of the committee, the Secretary of State identification number of the committee, the name of the treasurer of the committee, the names, addresses and occupations of the three largest contributors to the independent expenditure committee during the election cycle, and shall identify the candidate supported or opposed by the expenditure. This report shall disclose the same information required by subdivision (b) of Government Code Section 84204 and shall be filed within twenty-four (24) hours of the time the independent expenditure is made. A copy or transcript of any material published or broadcast shall also be included.

(b) The report to the Clerk shall include a signed statement under penalty of perjury by the person or persons making the independent expenditure identifying the candidate or candidates whom the independent expenditure is intended to help elect or defeat and affirming that the expenditure is independent and that it is not coordinated with a county candidate. The statement may be on a separate form from the remainder of the report as provided by the Clerk, and will be considered timely if postmarked by the date required for filing the report to the Clerk.

(c) Any individual or organization that fails to file the required report with the Clerk within the timeframe set forth in subsection (a) or provides materially false

information in a report filed pursuant to subdivisions (a) or (b) may be fined up to three times the amount of the independent expenditure.

(d) Upon receiving a report that an independent expenditure has been made or obligated to be made, the Clerk shall inform within twenty-four (24) hours all other candidates in the race.

(e) If a single independent expenditure committee spends in support or opposition to a candidate more than twenty five percent (25%) of the amount of the voluntary expenditure limit pertaining to the candidate, the committee must report that fact to the Clerk within twenty-four (24) hours.

(f) If expenditures in the aggregate by any committee or committees not controlled by the candidate spent in support or opposition to a candidate is more than twenty five percent (25%) of the voluntary expenditure limit in that race, the Clerk shall inform within twenty-four (24) hours the non-benefiting participating candidate(s) that they are no longer bound by the voluntary expenditure limits.

(g) A controlled committee of a county candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures to support or oppose other county candidates.

Section 1276. Multiple Campaign Committees and Bank Accounts Prohibited

A county candidate or elective county officer shall have no more than one (1) controlled campaign committee for election to county office. Such a committee shall have only one (1) bank account out of which all qualified campaign expenses shall be made. This section does not prevent a county candidate or elective county officer from establishing another committee solely for the purpose of running for a state, federal, city, special district or other office, or solely formed to support or oppose a ballot measure.

Section 1277. Legal Defense Account

(a) A candidate for elective county office or an elected county officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney's fees and other related legal costs.

(b) A candidate for an elective county office or an elected county officer may receive contributions of up to three hundred dollars (\$300) per person per calendar year in the aggregate for accounts in subdivision (a). All contributions shall be reported in a

manner prescribed by the Clerk. Contributions to such funds shall not be considered campaign contributions.

(c) In regards to the legal defense accounts, once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the disputes are discharged, for one or more the of purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Government Code Section 89519.

Section 1278. Electronic Filing of Campaign Statements

(a) Any county candidate and the candidate's controlled committee that raises or spends at least ten thousand dollars (\$10,000), or any independent expenditure committee that raises or spends at least ten thousand dollars (\$10,000) in any county election in support of or opposition to a county candidate, shall file all campaign statements in a format that is approved by the Clerk for electronic filing.

(b) The Clerk shall cause to be placed on the County's web site a copy of each campaign statement required by subdivision (a) to be filed in a format approved for electronic filing within one working day of the statement's filing with the Clerk.

Section 1279. When Contributions May Be Collected

Neither a county candidate, elected county officials, nor any committee controlled by the candidate may receive any contributions more than one year before and 90 days after an election on which the candidate is on the ballot.

Section 1280. Deposit of Contributions

A county candidate, elective county officer, or the controlled committee of such a candidate or elective county officer, shall not deposit and shall return within 20 days of receipt any contribution of twenty five dollars (\$25) or more for the which the candidate, elective county officer, or controlled committee does not have on file in the records of the candidate, elective county officer or controlled committee the name, address, occupation, and employer of the contributor.

Section 1281. Return of Contributions

(a) A county candidate may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned. Such contributions, if deposited, shall be reported and the return of the contribution shall be reported.

(b) A county candidate, elective county officer, or committee may return a contribution pursuant to subdivision (a) after the date that the candidate, elective county officer, or committee has reported the contribution.

Section 1282. Contributions Funneled Through Intermediary

All contributions by a person made to a county candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate. A person may not make any contribution to any person on the condition or with the agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed pursuant to Government Code Section 84302. Such a contribution shall be subject to all the provisions of this ordinance.

Section 1283. Laundered Contributions

Any county candidate or committee that intentionally or negligently makes or receives a contribution in violation of Government Code Section 84301 shall pay to the General Fund of the County up to three times the amount of the contribution. Payment to the County for violation of this provision shall be made as long as the person responsible or the committee controlled by such person has any funds sufficient to pay the fine.

Section 1284. Bundling of Contributions

Contributions made directly or indirectly to a particular county candidate through an intermediary or conduit shall be treated as contributions from both the contributor and the intermediary or conduit to the candidate for the purposes of this limitation. This limitation does not apply to an intermediary or conduit who is one of the following:

- (a) The candidate's campaign treasurer, provided the candidate has only one officially recorded treasurer.
- (b) A volunteer, presenting contributions raised by hosting a single fundraising event per election cycle outside the volunteer's place of business wherein guests are invited to a specified place at a specified time.

Provided, however, that a volunteer as set forth in (b), above, does not include the following:

- (1) An officer, employee or agent of another political action committee acting on behalf of the committee;
- (2) A person registered as a lobbyist with the government agency for which the candidate is running or is an officeholder;
- (3) An officer, employee or agent of a corporation or labor union acting on behalf of the corporation or labor union.

Section 1285. Disclosure of Contributions

(a) On the same dates and in the same manner as required by the Political Reform Act, Article 2 of Chapter 4 of Title 9 of the Government Code (Section 84200 et seq.), County Candidates or the controlled committees of such candidates shall disclose each contribution that individually or cumulatively totals \$50 or more per contributor.

(b) Contributions to a committee from each contributor shall be totaled over the election cycle and reported in a manner prescribed by the Clerk. The term "election cycle" as used in this section shall mean the applicable period described in Section 1272.

(c) Contributions of goods and services shall be reported at the fair market value of the contribution and covered by the contribution limits of this ordinance.

(d) Contributions received between the final filing period prior to an election and the election, in excess of two hundred fifty dollars (\$250), must be reported to the Clerk within twenty four (24) hours of receipt of the contribution but shall not be deposited until the committee has the name, address, occupation and employer of the contributor.

Section 1286. Cash Contributions

Notwithstanding Government Code Section 84300, all contributions of twenty five dollars (\$25) or more, other than in-kind contributions, made to any county candidate, or the controlled committee of such a candidate, shall be made in the form of a written instrument containing the name of the donor and the name of the payee.

Section 1287. Anonymous Contributions

Notwithstanding Government Code Section 84304, the total amount of anonymous contributions that may be accepted by any county candidate, or the controlled committee of such a candidate or elective county officer, shall not exceed a total of five hundred dollars (\$500) over the election cycle.

Section 1288. Aggregation of Contributions

(a) All contributions made by a sponsored committee to a county candidate or to a committee controlled by such a candidate or elective county officer shall be combined with those contributions made by the sponsor or sponsors of the committee.

(b) For purposes of the contribution limits contained in this ordinance, two or more entities shall be treated as one person when any of the following circumstances apply:

- (1) The entities share the majority of their boards of directors;
- (2) The entities share two or more officers;

- (3) The entities are owned or controlled by the same majority shareholder or shareholders;
- (4) The entities are in a parent-subsidary relationship;
- (5) Any individual and any partnership in which the individual is a general partner or an individual and any corporation in which the individual owns a controlling interest [fifty percent (50%) or more], or an individual and any entity in which the individual has the authority to direct and control the contribution decisions of the entity;
- (6) Any contributions made by a committee in support of or in opposition to a county candidate shall be aggregated with the contributions made by any other committee in support of or in opposition to the same county candidate if a majority of the officers of such committees are the same individuals.

(c) Candidates and candidate controlled committees shall provide, upon request by the Clerk, information sufficient to allow the Clerk to determine whether any of the circumstances set forth in subsections (b)(1) – (6) exist.

Section 1289-1. Campaign Advertisements

- (a) All broadcast and print advertisements placed by county candidates or their controlled committees shall include a clear written or spoken statement indicating that the candidate has approved of the contents of the advertisement.
- (b) Any advertisement (including mailers) supporting or opposing a county candidate that is paid for by an independent expenditure shall include a disclosure statement that identifies both of the following:
 - 1. The name of the committee or person making the independent expenditure.
 - 2. For committees, the names of the persons from whom the committee making the independent expenditure has received the three highest cumulative contributions over the election cycle of \$5,000 or more. If the committee can show, on the basis that contributions are spent in the order they are received, that contributions received from the three highest contributors have been used for expenditures unrelated to the candidate featured in the communication, the committee shall disclose the contributors making the next largest cumulative contributions of \$5,000 or more.
- (c) In addition to the requirements of section (b) above, the committee placing the advertisement or persons acting in concert with the committee shall be prohibited from creating or using a noncandidate controlled committee or a

nonsponsored committee to avoid, or that results in avoidance of, the disclosure of any person or entity as a major funding source.

- (d) Any disclosure statement required by this section shall be printed clearly and legibly in no less than 12-point type and in a conspicuous manner as defined by the Commission, or, if the communication is broadcast, the information shall be spoken or otherwise appropriately conveyed for the hearing impaired.

Section 1289-2 Committees Supporting or Opposing Candidates; Name or Phrase Identifying Major Contributors

- (a) Any committee that supports or opposes a county candidate shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of \$5,000 or more in any reference to the committee required by law, including, but not limited to, its statement of organization filed pursuant to State law.
- (b) If the major donors of \$5,000 or more share a common employer, the identity of the employer shall also be included.
- (c) Any committee that supports or opposes a county candidate shall print or broadcast its name as provided in this section as part of any advertisement or other paid public statement.

Section 1289-3 Paid Spokespersons; Statement; Expenditure Report

- (a) A committee that makes an expenditure of \$500 or more to an individual for his or her appearance in an advertisement to support or oppose a county candidate shall file a report within 10 days of the expenditure. The report shall identify the candidate, the date of the expenditure, the name of the recipient, and the amount expended. This Section shall not apply to an Independent Expenditure Committee during any period of time that it qualifies as a "State General Purpose Committee" pursuant to Section 82027.5 of the Political Reform Act, as supplemented by Section 18247.5 of Title 2 of the California Code of Regulations, and successor laws. At the time of enactment of this ordinance, state law limits "State General Purpose Committees" to those committees that either (1) make contributions or expenditures to support or oppose candidates or measures voted on in state elections, or in more than one county, that total more than 50 percent of their total contributions and expenditures or (2) are political party committees.
- (b) The advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message.

Section 1290. Payment and Disclosure of Payment for Goods and Services

(a) An expenditure is made on the date the payment is made, the date the county candidate or committee receives the goods or services, or the date the county candidate or committee commits to pay for the goods or services, whichever is earlier.

(b) No person who supplies goods or services to a county candidate or committee for use in connection with the campaign of such a candidate or supporting or opposing a county candidate shall refuse to divulge or disclose to the Commission his or her records of any expenditures made by the county candidate or committee for such goods or services.

Section 1291. Application of Ordinance to Other Elections

(a) In the event a county candidate also runs for election for a state, federal, city, special district or other non-county office, the provisions of this ordinance do not apply to the county candidate's campaign for such other office nor to any committee established solely for the purpose of running for such state, federal, city, special district, or other non-county office, or committee controlled by the candidate and formed solely to support or oppose ballot measures.

(b) The contribution and expenditure limits of this ordinance shall not apply to recall elections but all other provisions shall apply to recall elections.

Section 1292. Prohibition on Transfers

(a) No committee controlled by a county candidate shall make any contributions to any other committee supporting or opposing any other county candidate or elective county officer.

(b) No contributions shall be accepted by any county candidate, or by any committee controlled by such county candidate, from any other committee controlled by a federal, state, or local candidate or officeholder that exceed the contribution limits of this ordinance. Notwithstanding this prohibition, a controlled committee formed by a county candidate in compliance with title 2, section 18521 of the California Code of Regulations, or any successor section, for candidacy for a Ventura County office may transfer and accept any contributions received in compliance with this ordinance into the county candidate's controlled committee for any other Ventura County office for which the candidate has filed.

(c) The provisions of this section do not apply to a county candidate's contributions of personal funds to any campaign but the contribution limits of this ordinance shall apply.

Section 1293. Access to Records

Each county candidate and committee shall deliver, on demand, to the Commission and any public officer having authority to enforce this division a written authorization permitting the officer to have access to all records pertaining to the campaign contribution checking account.

Section 1294. Penalties

(a) Any person who knowingly or willfully violates any provision of this ordinance is guilty of a misdemeanor.

(b) Any person who intentionally or negligently violates any provision of this ordinance shall be liable in an administrative hearing brought by the Commission, or a civil action brought by a person residing in the jurisdiction for an amount not more than three times the amount or value not properly reported or improperly received, contributed or expended.

(c) No civil action alleging a violation of this ordinance may be filed against a person if the District Attorney has filed a criminal action or the Commission has filed an administrative action for the same violation.

(d) Before filing civil action, any person, other than the Commission, County Counsel or the District Attorney, must comply with the provisions of Government Code section 91007 except any reference to 120 days shall be 60 days. For the purposes of this section, the Commission shall be the civil prosecutor.

Section 1295. Filing of and Initial Review of Complaints

- (a) Complaints alleging violation of this Ordinance may be filed by residents of Ventura County, or the Clerk. Complaints shall be filed in writing with the County Executive Office on a form provided by that office and signed by the Complainant under penalty of perjury. The Complainant must file with the complaint all available credible evidence supporting the allegations in the complaint. Any resident seeking to file a complaint must pay a filing fee of \$35 per complaint. No fee shall be charged to the Clerk.
- (b) Upon the filing of a complaint, the County Executive Office shall provide a copy of the complaint to the party alleged to have committed the violation, a copy to the District Attorney, and a copy to the Initial Complaint Review Attorney.
- (c) The County Executive Officer shall appoint Initial Complaint Review Attorneys as needed to assess newly filed complaints. Each Initial Complaint Review Attorney shall be a member in good standing of the California State Bar Association, shall not be a Ventura County employee and should, if possible, have knowledge and experience in campaign finance law.
- (d) The Initial Complaint Review Attorney shall review complaints, evidence submitted with the complaints and evidence submitted by the alleged violator and issue to the Commission a written opinion within 28 days of receipt of a

complaint as to whether the complaint alleges facts that, if true, would constitute a violation of the Ordinance and whether the Complainant has submitted any credible evidence supporting the allegations in the complaint.

- (e) If the Initial Complaint Review Attorney finds that a complaint fails to allege facts that, if true, would constitute a violation of the Ordinance and/or that the Complainant has not submitted any credible evidence to support the allegations in the complaint, he or she shall recommend to the Commission that it dismiss the Complaint at its next meeting. Both the Complainant and the subject of the complaint shall be promptly notified of the Initial Complaint Review Attorney's finding.
- (f) For any complaint not recommended for dismissal pursuant to subsection (e) above, the County Executive Office shall forward the complaint and written opinion to the Investigating Attorney. Both the Complainant and the subject of the complaint shall be promptly notified of the Initial Complaint Review Attorney's finding and the referral to the Investigating Attorney.

Section 1296 Investigating Attorney

- (a) An Investigating Attorney(s) shall be appointed by the County Executive Officer. The Investigating Attorney shall be a member in good standing of the California State Bar Association, shall not be a Ventura County employee and should, if possible, have knowledge and experience in campaign finance law.
- (b) The Investigating Attorney shall conduct an investigation and determine whether sufficient evidence exists to establish that a violation of the Ordinance has occurred.
- (c) If the Investigating Attorney concludes that either the evidence is insufficient to establish that a violation of the Ordinance has occurred or that the evidence establishes that no violation of the Ordinance has occurred, the Investigating Attorney shall prepare a written report of that conclusion and shall recommend to the Commission that it dismiss the complaint.
- (d) If the Investigating Attorney concludes on the basis of an investigation that sufficient evidence exists to establish that a violation of the Ordinance has occurred, he or she shall first attempt to negotiate a proposed voluntary settlement agreement with the alleged violator. The proposed settlement may include all or some of the following:
 - (1) Cease and desist violation of this ordinance;
 - (2) File any reports, statements, or other documents or information required by this ordinance;
 - (3) Pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the County;
 - (4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended.

If no proposed voluntary settlement agreement is reached, then the Investigating Attorney shall set the matter for an evidentiary hearing before the Commission

and shall present to the Commission at the evidentiary hearing the evidence supporting the charges.

If a proposed voluntary settlement agreement is reached, the Investigating Attorney shall submit to the Commission a written report of his or her findings and a stipulation to the proposed settlement signed by the Investigating Attorney and the alleged violator. A proposed settlement agreement shall become final and effective only upon acceptance by the Commission. If the Commission does not accept the proposed settlement agreement, it shall schedule a hearing of the matter and then may take any action given to the Commission by this ordinance.

Section 1297. Ventura County Campaign Finance Ethics Commission

(a) This ordinance shall create the Ventura County Campaign Finance Ethics Commission ("Commission").

(b) The Commission shall consider formal complaints of violations of the Ventura County Campaign Finance Reform Ordinance following review by the Initial Complaint Review Attorney and investigation by the Investigating Attorney. The Commission shall review notifications of apparent violations reported by the Clerk of the Commission following review by the Initial Complaint Review Attorney and investigation by the Investigating Attorney. The Commission may consider potential violations of this ordinance without receiving a complaint.

(c) The Commission shall consist of three (3) members appointed by the Board of Supervisors. Terms of office shall be five years and Commissioners may be reappointed. Commissioners shall hold office until their successors are appointed. Commissioners may be removed for good cause by a majority vote of the Board of Supervisors. The Commission shall nominate to the Board of Supervisors successors to fill Commission vacancies which arise mid term and/or at the expiration of Commissioner terms.

(d) The County Counsel shall provide the Commission such legal staff and services necessary to perform its duties and responsibilities. The Clerk of the Commission shall provide the Commission such clerical staff and services necessary to perform its duties and responsibilities.

(e) The Commission shall be subject to the Ralph M. Brown Act, Government Code Section 54950 et. seq.

(f) The Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of this ordinance.

(g) The Commission shall establish operating procedures and processes to: receive and consider formal complaints, establish procedures by which enforcement cases shall be presented to them, negotiate settlements of violations, and hold hearings to determine if a violation of this ordinance has occurred.

(h) The Ventura County Campaign Finance Ethics Commission shall have the power and authority to: issue subpoenas to compel the attendance and testimony of witnesses, administer oaths and affirmations, to take evidence and require by subpoena the production of any books, papers, records, documents or other items material to the performance of the Commission's duties or exercise of its powers. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. Failure to obey a subpoena constitutes contempt. The Commission shall establish procedures for issuing subpoenas and may delegate to the Chair of the Commission, the Investigating Attorney and other attorneys involved in matters before the Commission the power and authority to issue subpoenas.

(i) When the Commission determines on the basis of a hearing that a violation of this ordinance has occurred, it may require the violator to do all or any of the following:

- (1) Cease and desist violation of this ordinance;
- (2) File any reports, statements, or other documents or information required by this ordinance;
- (3) Pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the County;
- (4) Pay a fine up to three times the amount or value not properly reported or improperly received or expended.

(j) When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

(k) The Commission, its staff and the Initial Complaint Review Attorneys and Investigating Attorneys shall operate in as cost effective a manner as possible.

(l) The Commission shall meet at least once per general election cycle to review the administrative and financial efficiencies of administering the ordinance and shall make recommendations accordingly.

Section 1298. Duties of the County Clerk

The Clerk shall:

- (a) Supply the necessary forms and manuals prescribed by the Commission.

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this ordinance.

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this ordinance.

(d) Report apparent violations of this ordinance to the appropriate agencies including the Commission.

(e) Compile and maintain a current list of all reports and statements filed with this office.

Section 1299. Severability

If any provision of this ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected, and to this extent the provisions of this ordinance are severable.

Section 1300. Construction

This ordinance shall be liberally construed to accomplish its purposes.

PASSED AND ADOPTED this 13th day of April, 2010, by the following vote:

AYES: Supervisors Bennett, Long and Zaragosa.
NOES: NONE

ABSENT: Supervisor Parks

ABSTAIN: Supervisor Foy

(d)(5)
[Redacted]
Chair, Board of Supervisors

ATTEST: MARTY ROBINSON
Clerk of the Board of Supervisors,
County of Ventura, State of California

By:

(d)(5)
[Redacted]

Deputy Clerk of the Board

